

REMARKS

Claim 1-4, 6 and 7 are pending. Claims 1 and 7 have been amended to include subject matter taken from originally filed claim 6 and which is also supported by the present specification at page 4, paragraph [0015]. Claim 5 has been cancelled and claim 6 has been amended to be placed into independent format. Accordingly, no new matter has been added.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Restriction Requirement

The Examiner has withdrawn claim 7 from consideration. Applicants disagree and submit that claim 7 belongs with elected Group I. Applicants believe that the amended version of claim 7 which was submitted on June 30, 2003 has not caught up with the application in time for the Examiner to issue the present action. Claim 7 has been amended to include the subject matter of claim 1 as a product-by-process claim. As such, claim 7 now properly belongs with the claims of Group I. Rejoinder of claim 7 with Group I is respectfully requested.

Issues under 35 U.S.C. 102

The Examiner has rejected claims 1-6 under 35 U.S.C. 102(b) as being anticipated by Shi et al., U.S. Patent 5,593,788

(hereinafter referred to as Shi '788).

The Examiner has also rejected claims 1-4 under 35 U.S.C. 102(e) as being anticipated by Nii, U.S. Patent 6,55,959 (hereinafter referred to as Nii '959).

Applicants respectfully traverse each of the above rejections.

First, Applicants submit that the rejection of at least claim 6 over Shi '788 is improper since the Examiner has indicated at page 5 of the outstanding Office Action that claim 6 is allowable.

Second and further to the first point, at page 5, paragraph 10 of the outstanding Office Action, the Examiner has indicated that the subject matter of claim 6 is allowable. By way of the present amendment, Applicants have amended claims 1 and 7 to include the subject matter of claim 6. Additionally, claim 6 has been placed into independent format.

In summary, Applicants submit that all currently pending claims (1-4, 6 and 7) define subject matter which is patentable over the cited art. That is, the present claims are distinguished from the Shi '788 and Nii' 959 references. The Examiner is therefore requested to withdraw all rejections and allow the currently pending claims.

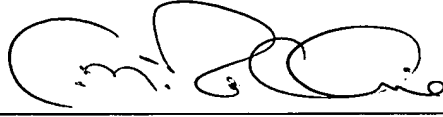
If the Examiner has any questions concerning this application, please contact Craig A. McRobbie, Registration No. 42,874 at the offices of Birch, Stewart, Kolasch & Birch, LLP.

Serial No.: 10/060,203

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

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